

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LA ANTONETTE ANDERSON,

Case No.: 1:15-cv-0725

Plaintiff,

v

HON. RAY KENT

HAWORTH, INC.,

Defendant.

Bradley K. Glazier (P35523)
Robert M. Howard (P80740)
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PLAINTIFFS BRIEF IN SUPPORT OF MOTION TO AMEND JUDGMENT

I. INTRODUCTION

On November 29, 2018, the Court rendered a verdict in favor of the plaintiff and entered a judgment awarding plaintiff \$86,258.00. (ECF#116).

Plaintiff has filed a motion requesting this Court to amend the judgment to include pre-judgment interest, costs, and attorney fees. Defendant Haworth, Inc. concurs and stipulates to the amount of prejudgment interest and the amount of attorney fees, but reserves its right to appeal the Court's ruling as to the underlying merits and judgment dated November 29, 2018. For the reasons that follow, this court should enter judgment in favor of LaAntonette Anderson for the amount of the verdict, plus costs, attorneys fees, and interest.

II. ARGUMENT

A. Damages Available Under Title VII.

A plaintiff who prevails on a Title VII claim may recover compensatory and punitive damages, injunctive relief, back pay, "reasonable" attorney fees, and reinstatement or front pay. 42 U.S.C. § 1981a(b), 2000e-5(g). Compensatory damages are defined in 42 U.S.C. § 1981a(b)(3), as "future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses." The parties agreed that the issue of attorney fees would be reserved for the court in the event of a plaintiff's verdict.

The Court entered a judgment in favor of the plaintiff for \$86,258.00 in damages - back pay of \$32,234, emotional distress damages of \$30,000, and front pay of \$24,024. Plaintiff has calculated the interest due on plaintiff's back-pay and emotional distress of \$62,234, using Michigan's fluctuating rate and has determined that the interest due through December 10, equals \$5,991.26. The support for this calculation is Exhibit 1. Defendant's counsel has reviewed plaintiff's calculations and concurs and stipulates to the amount of attorney fees. If the judgment is not paid by the end of the appeal period, interest will continue to accrue.

B. Attorneys Fees Under Title VII.

Title VII provides that the district court may, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee to be paid by the defendant. 29 U.S.C. § 2005e-5(k). Plaintiff is also a prevailing party pursuant to 42 U.S.C. § 1988. Because the Court's verdict establishes that plaintiff will receive a judgment, the only remaining issue with regard to attorney fees is the amount.

Plaintiff has submitted her attorney fee entries to defense counsel and removed an entry based on upon defense counsel's objection. A copy of those fee entries is included as Exhibit 2. Plaintiff's counsel spend 138.7 hours between the two attorneys and seeks a total of \$49,537.50 for attorney fees.

III. CONCLUSION

The Court's verdict was for \$86,258.00, representing Ms. Anderson's lost wages, emotional distress and front pay. Plaintiff also seeks the following additional damages: interest, costs, and attorney fees:

1. Interest on Lost Wages and Emotional Distress \$ 5,991.26
2. Costs \$532.36
3. Attorney Fees \$ 49,537.50

For the foregoing reasons, plaintiff respectfully requests this Court to enter an amended judgment for the plaintiff in the amount of \$142,319.12. A Proposed Order is submitted with plaintiff's motion.

BOS & GLAZIER, P.L.C.
Attorneys for Plaintiff

Date: December 11, 2018

By: /s/ Bradley K. Glazier
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